

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

United States of America <i>ex rel.</i>	)	CA No. 0:12-cv-3466-JFA
Brianna Michaels and Amy Whitesides,	)	
	)	
Plaintiffs,	)	ORDER SCHEDULING
	)	STATUS CONFERENCE
v.	)	
	)	
Agape Senior Community, et al,	)	
	)	
Defendants.	)	
_____	)	

Pursuant to the requests of the Relator Plaintiffs, Brianna Michaels and Amy Whitesides, and with the consent of the Defendants, the Court will conduct a status conference in the above referenced case beginning at 11:00 a.m. on Thursday, May 7, 2015. A notice of the status conference is attached to this Order.

The record in this case will reflect that after extensive discovery and repeated postponements of discovery deadlines, this case was calendared for a bellwether trial in May 2015. In January 2015, the Relator Plaintiffs announced that a settlement with the Defendants had been achieved. This settlement was reached with the help of a mediator, United States Magistrate Judge Mary Gordon Baker. The United States Government, through the United States Attorneys Office in Columbia, South Carolina, then indicated that its office was not in a position to approve the settlement because the necessary approval had not been obtained from the Department of Justice officials in Washington, D.C. The United States took this position pursuant to 28 C.F.R. § 0.160 (2014). Upon learning of these

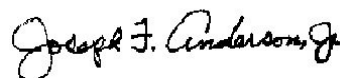
developments, this Court scheduled a status conference on January 16, 2015, and was advised by counsel for the Relator Plaintiffs that the upcoming trial promised to be protracted and expensive, particularly in terms of expert witness testimony. Subsequent to the status conference, this Court has granted several extensions of time, requested by the United States, for the purpose of seeking settlement approval from the Department of Justice.

If, as the United States contends, it has unreviewable veto authority over the settlement of this case, this Court is then faced with a situation where it is called upon to force unwilling Relator Plaintiffs to go forward with a protracted and expensive trial, with the possibility of no recovery and no chance of recouping trial expenses.

For this reason, the United States is ordered to have available by telephone a representative of the Department of Justice in Washington, D.C. who has the authority to speak for the United States on the matters raised in this order. Specifically, the Court is interested in determining whether it is the position of the United States that (1) the United States has the absolute, unreviewable right to veto the tentative settlement reached in this case between the Relator Plaintiffs and the Defendants; and, if so, (2) whether the Court has the authority to require the United States to fund the litigation from this point forward. The Court does not intend to repeatedly grant extensions of time to consummate the settlement in the future.

IT IS SO ORDERED.

April 22, 2015  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge